TABLE OF CONTENTS

SH2502967

MISCELLANEOUS DOCUMENTS

In-Service for Lancaster, EM Shift, October 30, 2019

In-Service for Lancaster, Day Shift, October 30, 2019

Consolidated Criminal History Reporting System Report for Suspect Ricardo Myers

Deputy Jonathan Lee Quarterly Weapon Scores and Training Records (Including POST)

Two (2) Signed Administrative Rights, Force/Shooting Forms

SH-AD-32A (8/17)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE: September 20, 2021

FILE NO: 019-22894-1137-013

OFFICE CORRESPONDENCE

FROM: WILLIAM E. JAEGER, COMMANDER PROFESSIONAL STANDARDS DIVISION

TO: JOHN J. LECRIVAIN, CAPTAIN LANCASTER STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS**

Case Number:	SH2502967
Incident:	Hit Shooting
Incident Date:	October 30, 2019
Unit:	Lancaster Station
Suspect(s):	Myers, Ricardo R. MH/091057
Involved Employees:	Deputy Jonathan A. Lee, #[redacted] Deputy Miguel A. Gonzalez, #[redacted]
EFRC Date:	September 16, 2021

The Executive Force Review Committee (EFRC) consisting of Commanders Jose J. Rios, Alfred A. Reyes, and William E. Jaeger (Chair) met and reviewed the above case.

FINDINGS:

The EFRC panel determined the tactics used by Deputies Lee and Gonzalez, and the force used by Deputy Lee were within Department policy.

RECOMMENDATIONS:

The EFRC Panel recommended that an in-depth debrief be conducted with the Department members involved in this incident.

WEJ:DJW:djw



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
VICTORIA L. ADAMS • Assistant District Attorney

JAMES GARRISON • Director

October 9, 2020

Captain Kent Wegener
Los Angeles County Sheriff's Department
Homicide Bureau
One Cupania Circle
Monterey Park, California 91755

Re: Fatal Officer Involved Shooting of Ricardo Myers
J.S.I.D. File #19-0453
L.A.S.D. File #019-22894-1137-013

Dear Captain Wegener:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 30, 2019, fatal shooting of Ricardo Myers by Los Angeles County Sheriff's Deputy Jonathan Lee. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

By

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Jonathan Lee, #[redacted]

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.lacounty.gov

MEMORANDUM

TO: CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
One Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Ricardo Myers
J.S.I.D. File #19-0453
L.A.S.D. File #019-22894-1137-013

DATE: October 9, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 30, 2019, fatal shooting of Ricardo Myers by Los Angeles County Sheriff's Department (LASD) Deputy Jonathan Lee. We have determined that Deputy Lee acted lawfully in defense of another.

The District Attorney's Command Center was notified of the shooting on October 30, 2019, at 8:02 a.m. The District Attorney Response Team responded to the location and was given a briefing and walk-through of the scene by LASD Lieutenant Charles Calderaro.

The following analysis is based on investigative reports, audio-recorded interviews, radio transmissions, crime scene diagrams and sketches, photographs, and the autopsy report submitted to this office by LASD Homicide Bureau Detective Jon Bailey and Sergeant Mike Austin. The voluntary statement of Deputy Lee was considered in this analysis.

FACTUAL ANALYSIS

On October 30, 2019, at approximately 6:28 a.m., [redacted] called 9-1-1 and reported that her '[redacted]' 62-year-old Ricardo Myers, "Keeps saying he needs mental health, but he's not – he isn't doing anything about it." [redacted] reported that Myers was, "Disrupting the house." When asked what she wanted the police to do, [redacted] stated, "I need them to come out and assess him because he needs mental health."[1] [redacted] informed dispatch that there were no weapons in the home. Dispatch put out the call to deputies stating, "[redacted] male 62, arguing with family, no weapons..."[2] LASD deputies Jonathan Lee and Miguel Gonzalez responded to the Lancaster residence at approximately 6:58 a.m. Both deputies were wearing distinctive LASD uniforms and were equipped with Tasers.

---

[1] According to [redacted] before calling 9-1-1, she called a psychiatric emergency team (PET) to try to have Myers evaluated but was told she needed to call 9-1-1 after she informed them that Myers was "agitated."

[2] The deputies were not informed of any possible mental health issues.

Lee knocked on the front door of the residence and Myers' adult [redacted], [redacted] invited the deputies inside. When the deputies entered the home, [redacted] and Myers were near the entryway to the dining room and kitchen area. Myers walked through the kitchen and entered the garage. Gonzalez spoke with [redacted] near the dining room table, and Lee removed the flashlight from his duty belt and walked toward the garage to contact Myers.[3]

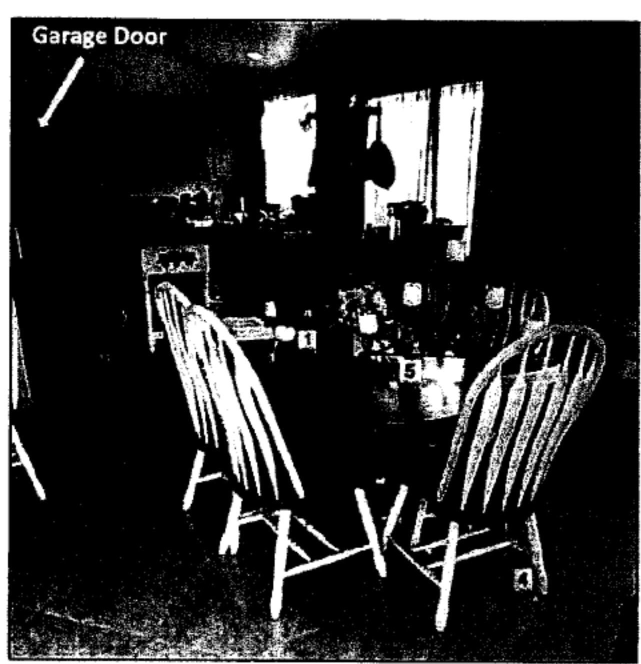


Figure 1 – Photograph depicting the dining room and kitchen of the residence.

Lee opened the garage door, and Myers was a few feet in front of him walking toward the open vehicle door. Lee stood in the doorway between the kitchen and garage and asked, "What's going on?" Myers turned around, bent down, and grabbed a yellow handle that was protruding from underneath a makeshift bed on the garage floor. Myers pulled out a large axe and said, "Want some of this motherfucker?" Myers took a step toward Lee and swung the axe at him. Lee backed up, and the axe came within inches of hitting him and struck the garage door. As Lee retreated into the kitchen, he dropped his flashlight on the floor and drew his service weapon. Lee continued backing up, and Myers entered the kitchen with the axe in his hands.

Gonzalez drew his service weapon, pointed it at Myers, and ordered him to drop the axe. Lee continued retreating backward toward the dining room table while ordering Myers to, "Put it down!" Lee broadcasted over his radio that he was detaining an armed suspect and needed backup. Lee then radioed, "Suspect is unco-op. He's got a knife in his hands. Put it down! Put it down!" Myers continued to hold the axe and walked toward the deputies. Gonzalez and Lee were now standing on opposite sides of the dining room table. Myers advanced toward them and stopped in the small area between the kitchen and dining room. A brief standoff ensued, and Myers yelled profanities at the deputies and stated, "You better shoot me motherfucker!" and "Go ahead and shoot me!"

---

[3] According to Lee, it was dim inside the house.

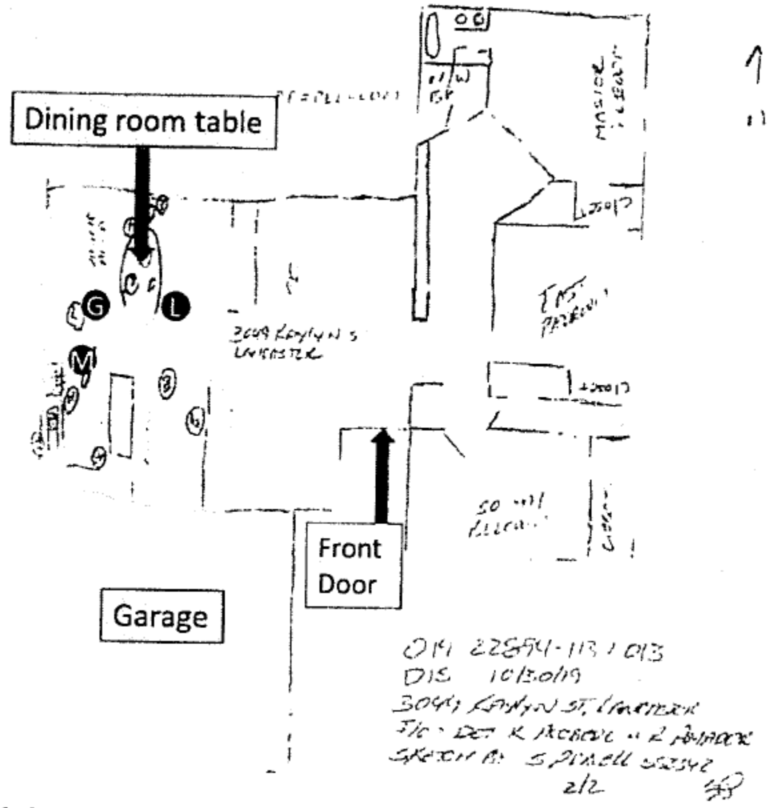


Figure 2 – A sketch depicting the location of the incident. G, L, and M represent an approximation of where Gonzalez, Lee, and Myers were positioned prior to the shooting.

Gonzalez holstered his service weapon, drew his Taser, and pointed it at Myers while ordering him to drop the axe. [redacted] and [redacted] yelled at the deputies, telling them not to shoot Myers. [redacted] yelled, "Tase him!" Myers was approximately four to five feet away from Gonzalez when he began to raise the axe and take a step toward Gonzalez. At that time, Lee discharged his service weapon five times. Three rounds struck Myers, and he fell backward to the floor. Lee radioed that the suspect was down.[4] Paramedics from the Los Angeles County Fire Department responded to the scene and pronounced Myers dead at 7:12 a.m.

<u>Incident Location</u>

Investigators recovered a 34" axe lying on the floor between the kitchen island and stove.[5] The axe had apparent blood spatter on the handle.

---

[4] Approximately one minute and thirty seconds elapsed between Lee's call for backup and Lee's "suspect down" radio transmission.

[5] Gonzalez moved the axe away from Myers immediately following the shooting.

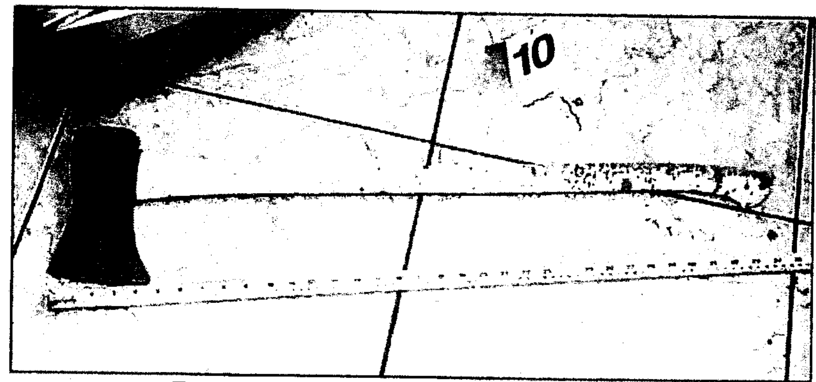
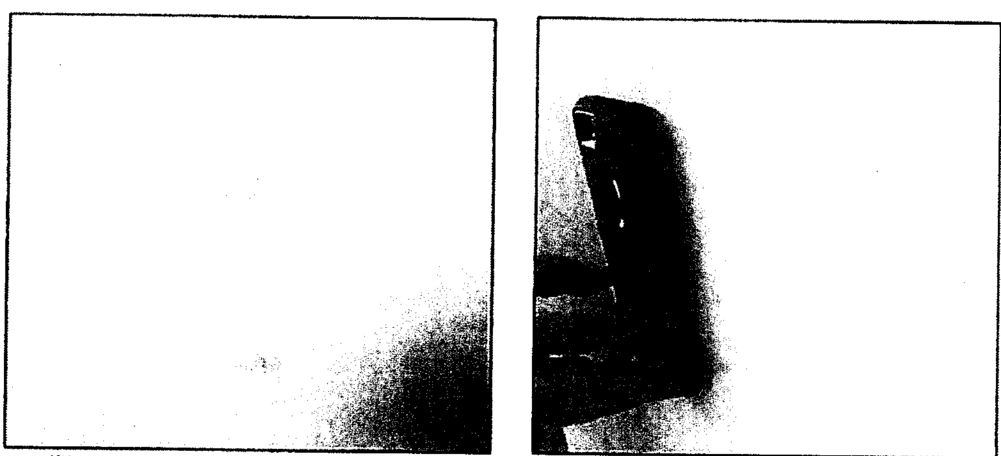


Figure 3 – The axe recovered from the scene

Investigators observed strike mark damage to the exterior of the kitchen door that leads to the garage. According to the investigators, it appeared that the strike mark "could have been caused by an axe head." The location of the mark is consistent with Lee's description of the assault.



Figures 4 & 5 – Photographs of the strike mark damage located on the garage door.

Lee's flashlight was recovered from the kitchen floor, lying in front of a cabinet approximately eight feet from the garage door. Five expended cartridge casings head stamped "FC 9MM Luger" were recovered from the dining room table and nearby floor area. The casings matched those found in Lee's Smith and Wesson, model M&P9, 9mm Luger caliber semiautomatic service weapon. Multiple expended bullets and bullet fragments were retrieved from the scene. Gonzalez's Taser was recovered from the dining room table.

Autopsy

An autopsy was performed on November 1, 2019, by Deputy Medical Examiner Julie Huss-Bawab. The cause of death was determined to be multiple gunshot wounds. Myers sustained gunshot wounds to the chest, abdomen, and lower jaw. Toxicology results indicated the presence of 7-Aminoclonazepam and marijuana in Myer's blood at the time of the incident.[6]

---

[6] 7-Aminoclonazepam is a metabolite of clonazepam, a tranquilizer drug used to treat or control seizures, panic attacks, and a movement disorder. It is also commonly used recreationally.

Statement of Deputy Jonathan Lee

Investigators interviewed Lee on November 1, 2019. Lee stated that he and Gonzalez responded to a family disturbance call. When they got inside the residence, Gonzalez spoke with the reporting party, [redacted] and he went to contact Myers. When he attempted to speak to Myers in the garage, Myers grabbed an axe from underneath a makeshift bed. Lee said Myers had a look of "pure anger" and stated, "Want some of this motherfucker?" Myers then took a step toward Lee and swung the axe at him "with great force." Lee quickly moved out of the way, and the axe came within inches of him and struck the garage door.

Lee was scared and believed Myers was going to kill him. Lee retreated into the kitchen, drew his service weapon, and ordered Myers to put the axe down. Myers ignored the orders and continued to walk toward Lee and Gonzalez with the axe in his hands. Gonzalez was on one side of the table, and Lee was on the other side. Lee kept backing away from Myers until he backed into a "hard object," possibly a chair. Lee was afraid to take his eyes off Myers, so he stopped walking backward. Around the same time, Lee noticed Gonzalez had backed into a plant or wall and was also unable to retreat further.

Myers walked out of the kitchen and into the area between the kitchen island and the dining room table. He had an angry look on his face as he tightened his grip on the axe and walked closer to Lee and Gonzalez. Myers took a half step forward and raised the axe over his head. Out of fear for his life, Lee put his finger on the trigger of his service weapon and pushed down; however, he did not pull hard enough, and his weapon did not fire. Myers then took a step backward, and Lee removed his finger from the gun trigger. Lee initiated a radio broadcast requesting assistance. As Lee gave Myers commands to drop the axe, he recalled Myers telling him, "You better shoot me motherfucker!"

Based on sounds he heard, Lee believed that Gonzalez had holstered his service weapon and drew his Taser. Myers looked at Lee and then looked at Gonzalez. Myers was standing closer to Gonzalez, and Lee believed Myers had "picked" Gonzalez to attack rather than him. Lee explained what happened next:

> He [Myers] puts his hands a little bit closer together; I see him just tighten down on the axe. It was like slow motion, he kind of just twisted his body, and he puts all of his weight down on, like his back foot, and he lifted the axe up just a little bit and – he's going for the swing, and I know he's going for the swing. It's not like a fake. He's a couple feet away from Gonzalez. I don't know what Gonzalez has in his hands, and he's going for the swing. If he hit him [Gonzalez], it was going to kill him.

Lee discharged his service weapon multiple times, but he was unsure if he hit Myers because he still had a look of anger on his face and the axe "was still up." Lee fired his duty weapon two more times, and Myers fell to the floor. Lee put out a radio call that the suspect was down. Lee and Gonzalez approached Myers to handcuff him. Gonzalez stepped over Myers and pushed the axe out of the way. Lee handcuffed one of Myer's hands but was overcome with emotion and exited the residence without cuffing the other hand.

Statement of Deputy Miguel Gonzalez

Investigators interviewed Gonzalez on the day of the incident. Gonzalez told investigators that he was speaking to [redacted] near the dining room table when he saw Lee walk towards the garage door. Gonzalez then heard a loud "Bang!" noise, as if one object had hit another. Gonzalez looked toward the garage and saw Lee pointing his service weapon at Myers, who was holding an axe.

Gonzalez drew his duty weapon and ordered Myers to drop the axe. Myers asked Lee and Gonzalez if they were going to kill him. Gonzalez told Myers that he was not going to kill him but that he needed to drop the axe. Myers refused to comply and was "very angry." Myers yelled profanities at them while aggressively walking toward him and Lee. Myers made "chopping" motions with the axe as he approached. Gonzalez holstered his service weapon and drew his Taser.

Gonzalez placed the Taser's laser sight on Myers and ordered him to drop the axe. Gonzalez tried to back up further but could not because of the dining room table and wall. Myers was approximately four to five feet away from Gonzalez. Myers then took a large step towards Gonzalez with the axe, and Gonzalez was in fear for his life. Gonzalez believed that Myers was going to try to kill him with the axe. Gonzalez was just about to discharge his Taser when he heard three gunshots and saw Myers fall to the ground.

Statement of [redacted]

Investigators interviewed [redacted] on the day of the incident. A few days before the incident, Myers began to act "strangely" and would mumble to himself and seemed confused. Myers confided in [redacted] that he needed mental health treatment but then refused to go to the hospital. On the morning of the incident, Myers was angry and confused. [redacted] felt unsafe and was afraid for her and her children's lives. She thought Myers would harm someone if he did not receive help. [redacted] called a number for a PET that she found on the internet but was told she needed to call the police when she informed them that Myers was "agitated." [redacted] called 9-1-1. When Myers found out she called the police, he became angry, called her a "bitch," and mumbled incoherently. Myers was not acting like himself and was "pissed."

When the deputies arrived, [redacted] told them that Myers was in the garage. She did not remember if she had a conversation with the deputies but thinks she informed them that Myers needed mental health treatment. [redacted] began to walk to her room when she heard the deputies telling Myers to "drop it" multiple times. One deputy had a gun drawn, and the other deputy had a Taser drawn. Her [redacted] told officers, "Please don't shoot him. Tase him." [redacted] heard Myers loudly say, "Go ahead and shoot me!" two times to the deputies. [redacted] was having a panic attack and walked toward her bedroom. She then heard gunshots.

Statement of [redacted]

On November 20, 2019, investigators interviewed [redacted] On the day of the incident, [redacted] answered the door and let the deputies into the home. [redacted] saw Myers walk toward the

garage. A short time later, [redacted] saw Lee with his gun drawn and Gonzalez with his Taser drawn. Both deputies looked scared and were telling Myers to drop the axe he was holding. [redacted] did not recall hearing Myers say anything. [redacted] yelled to the deputies, "Tase him! Don't shoot him!" The deputies told [redacted] to move away, so he started walking toward his bedroom. [redacted] heard one deputy, he assumed was Lee, tell the other deputy, "Tase him! Tase him! Tase him!" As [redacted] walked toward his bedroom, he heard one gunshot. According to [redacted], it was an "intense situation," but he believed the deputies should have tased Myers instead of shooting him.

Statement of [redacted]

Investigators interviewed [redacted] on the day of the incident. [redacted] is [redacted] and was in the house on the morning of the incident. After [redacted] called 9-1-1, Myers was mad and told [redacted] "I'll never forgive you for calling the cops on me." Myers threw items around [redacted] bedroom and was acting "crazy." [redacted] was in a bedroom when the deputies arrived, and she did not see the incident. She was able to hear the deputies tell Myers to, "Drop the knife" and heard Myers directing profanity toward the deputies and telling them to shoot him. She then heard three to four gunshots.

Statement of [redacted]

Investigators interviewed [redacted] Myers' adult [redacted], on the day of the incident. According to [redacted] Myers started acting differently two weeks before the incident. Myers seemed irritated and was acting "bizarre." When the deputies arrived, [redacted] was in the bathroom, bathing her [redacted] and did not see the incident. She heard deputies order Myers to drop the weapon numerous times. [redacted] also heard [redacted] tell the deputies not to shoot Myers prior to shots being fired.

Statement of [redacted]

Investigators interviewed [redacted] adult [redacted] on the day of the incident. Myers had been acting unusual in the days leading up to the incident. [redacted] believed Myers was having a "schizophrenic episode," as he would talk to himself, was easily angered, and had constant ringing in his ears. [redacted] was in his room when the deputies arrived and heard four gunshots a short time later.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also,* CALCRIM No. 505.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code section 196. A forcible and atrocious crime is one which threatens death or serious bodily harm. *Kortum v. Alkire* (1977) 69 Cal.App.3d 325, 333.

An officer has "probable cause" in this context when he knows facts which would "persuade someone of reasonable caution that the other person is going to cause serious physical harm to another." CALCRIM No. 507. When acting under Penal Code section 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. And he may only resort to deadly force when the resistance of the person being taken into custody "appears to the officer likely to inflict great bodily injury on himself or those acting with him." *Id.* at 1146; quoting *People v. Bond* (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight… The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

In this matter, deputies went to the location in response to a family disturbance call. When Lee and Gonzalez arrived at the residence, they attempted to contact the involved parties to determine what had happened. Lee was not informed that Myers was having serious mental issues. When Lee tried to speak with Myers, Myers grabbed an axe and swung it at him. If Lee

had not moved, he would have been struck by the axe. Lee retreated, drew his service weapon, and ordered Myers to drop the axe. Myers appeared angry and yelled profanities at the deputies, told them to shoot him, and refused to drop the axe. During the standoff between Myers and the deputies, Lee called for backup, and the deputies retreated as far as they comfortably could without taking their eyes off Myers.

Gonzalez drew his Taser but did not deploy it. Myers was four to five feet away from Gonzalez and began to raise the axe and step closer. Lee was forced to make an immediate decision regarding whether to use deadly force to defend Gonzalez, who he reasonably believed to be facing deadly force. Given Myers' agitated mental state, prior assault on Lee, and his movement toward Gonzalez while armed with an axe, it was reasonable for Lee to believe Myers was about to inflict serious bodily injury or death upon Gonzalez. As such, Lee's use of deadly force was reasonable.

CONCLUSION

We find that Deputy Lee acted lawfully in the defense of another when he used deadly force against Ricardo Myers. We are closing our file and will take no further action in this matter.

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 8/27/2021	Bureau/Station/Facility: North Patrol Division / Lancaster Station	Admin. Invest.? [ ]	Hit? [x]

Incident Information

URN: 019-22894-1137-013	Date: 10/30/2019 Time: 0704
City or Station: City of Lancaster	Nature of Incident: While working patrol, Deputies Lee and Gonzalez responded to a family disturbance call. The suspect advanced both deputies with an axe. Deputy Lee fired five times striking the Suspect.
Location: [redacted] Kaylyn Street, Lancaster	

Location Type (*check one or more*):
[ ] Backyard
[ ] Beach
[ ] Business
[ ] Freeway
[ ] Industrial
[ ] Park
[ ] Parking Lot
[x] Residence
[ ] Rural
[ ] School
[ ] Street
Other:

Lighting (*check only one*):
[ ] Darkness
[x] Daylight
[ ] Other
[ ] Street Lights

Weather (*circle only one*):
[x] Clear
[ ] Cloudy
[ ] Fog
[ ] Rain

Distance: 7-10 feet

Incident Type (*check one or more*):
[ ] Accidental
[x] Armed Person
[ ] Fleeing Suspect
[ ] Foot Pursuit
[ ] Gun Take Away
[ ] Moving Vehicle
[ ] Sniper/Ambush
[ ] Startle
[ ] Struggle Involved
[ ] Traffic Stop
[ ] Unarmed Person
[ ] Unintentional
[ ] Vehicle Pursuit
[ ] Warrant Service
[ ] Warning Shot
Other:

Initiated by (*check only one*):
[ ] Arrest Warrant
[x] Call
[ ] Observation
[ ] One Person Unit
[ ] Other
[ ] Search Warrant
[ ] Two Person Unit

Prior Activity (*check only one*):
[ ] Detective
[ ] Inmate Transport
[ ] Other
[x] Routine Patrol

Total # of Shots Fired by Deputy: 5
Total # of Shots Fired by Suspect: 0

Aero Unit? [ ] Canine Unit? [ ]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	Gonzalez	Miguel	A.	[x] EM [ ] PM [ ] Day	[x] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Politano	Michael	V.	[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
				[ ] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	O'Neil	Richard	S.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Cartmill	Richard	J.

PSTB Use Only

SH # ____________

Officer Involved Shooting

URN: 019-22894-1137-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10/30/2019	0930		

Employee #	Last Name	First Name	M.I.
[redacted]	Ortega	Matthew	H.
[redacted]	Reedy	Stacie	R.
[redacted]	Carr	Dustin	A.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	OE					NN	
E#1	S#1	FH	SW	9	Y	Y	GS	CH
E#1	S#1	FH	SW	9	Y	Y	GS	AD
E#1	S#1	FH	SW	9	Y	Y	GS	FA

Officer Involved Shooting
Involved Employee Information

URN: 019-22894-1137-013

Involved Employee

E 1

Employee # [redacted]	Last Name Lee	First Name Jonathan	M.I. A.
Sex: M Race: W	Rank: Deputy	Unit Assignment: Lancaster Station	Work Assignment (Unit #, Module, etc.): 111T1
ShiftTime (*circle only one*): ☑ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A
Hospital Admission? ☐	Hospital Name: N/A	Coroner Case? ☐	Coroner Case # — Interviewed? ☑
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5'9"	Weight: 200		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Smith & Wesson	Caliber 9 # Shots 5	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E /

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber # Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E /

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber # Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

Suspect Information

S 1

Last Name: Myers | First Name: Ricardo | M.I. R.

AKA Last Name | First Name | M.I.

Sex: M | Race: Hispanic | Street Address: [redacted] | City [redacted] | State & Zip Code: [redacted] [redacted]

Work Phone: N/A | Home Phone: [redacted] | Social Security #: [redacted] | Driver's License #: [redacted]

Age: 61 | D.O.B. 9/10/1957 | Height: 5'9" | Weight: 170 | FBI # [redacted] | CII # [redacted]

Booking # | Primary Charge: | Secondary Charge:

Coroner Case? ☑ | Coroner Case # 2019-08131 | Intoxication/Drug Usage? ☑ | Substance Used: 7-Aminoclonazepam/Marijuana

Armed? ☑ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? [redacted]

Vehicle Make | Model: | Year: | Parole: No | Probation: No | Prior Felony Conviction: Yes

S /

Last Name | First Name | M.I.

AKA Last Name | First Name | M.I.

Sex: | Race: | Street Address: | City | State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: | D.O.B. | Height: | Weight: | FBI # | CII #

Booking # | Primary Charge: | Secondary Charge:

Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐

Vehicle Make | Model: | Year: | Parole: | Probation: | Prior Felony Conviction:

S /

Last Name | First Name | M.I.

AKA Last Name | First Name | M.I.

Sex: | Race: | Street Address: | City | State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: | D.O.B. | Height: | Weight: | FBI # | CII #

Booking # | Primary Charge: | Secondary Charge:

Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐

Vehicle Make | Model: | Year: | Parole: | Probation: | Prior Felony Conviction:

S /

Last Name | First Name | M.I.

AKA Last Name | First Name | M.I.

Sex: | Race: | Street Address: | City | State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: | D.O.B. | Height: | Weight: | FBI # | CII #

Booking # | Primary Charge: | Secondary Charge:

Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐

Vehicle Make | Model: | Year: | Parole: | Probation: | Prior Felony Conviction:

See Other Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Deputy Involved Hit Shooting, Fatal**
IAB FILE NUMBER:	**SH 2502967**
URN#:	**019-22894-1137-013**
DATE/TIME:	**October 30, 2019 / 0704 Hours**
LOCATION:	[redacted] **Kaylyn Street, Lancaster**

SYNOPSIS:

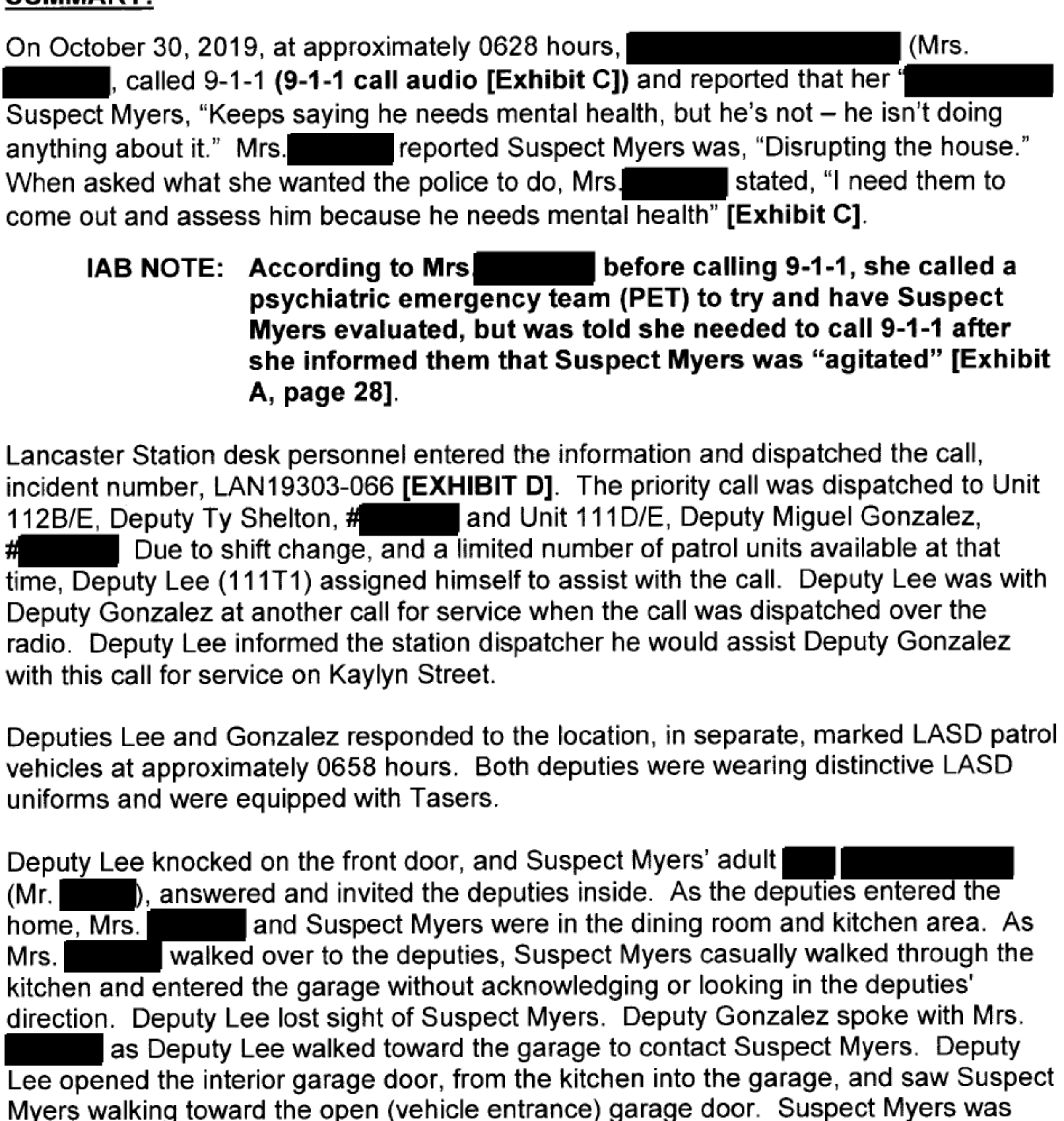
On October 30, 2019, an Internal Affairs Bureau (IAB) shooting rollout team consisting of Acting Lieutenant Hank Ortega, #[redacted] Sergeant Stacie Reedy, #[redacted] and Sergeant Dustin Carr, #[redacted], responded to [redacted] Kaylyn Street, Lancaster, regarding a deputy involved hit shooting investigation. A 62 year old male Hispanic named Ricardo Myers (Suspect Myers) was identified as the only suspect involved in the incident. Suspect Myers was struck by three fatal gunshot wounds, to the chest, abdomen, and lower jaw. Los Angeles County Fire Paramedic Harteni pronounced the suspect deceased at 0714 hours. The involved and witness personnel were not injured during the incident.

Los Angeles County Sheriff's Department (LASD) Homicide Bureau investigators Sergeant Michael Austin, #[redacted], along with Detective Johnathan Bailey, #[redacted] arrived and assumed control of the investigation. For further information refer to Homicide Bureau investigation book, under file number, 019-22894-1137-013 **[EXHIBIT A]**.

Acting Lieutenant Ortega contacted the Lancaster Station shift watch commander, Lieutenant Richard Cartmill, #[redacted]. Lieutenant Cartmill took reasonable steps to ensure the involved personnel and witnesses did not discuss the incident amongst themselves prior to their interviews by Homicide Bureau investigators. Additionally, Lieutenant Cartmill confirmed the involved personnel were in the company of a supervisor until they provided voluntary statements to Homicide Bureau investigators.

On October 9, 2020, members of the Los Angeles County District Attorney's Office completed their review of the facts in this case and determined the involved deputy,

Deputy Johnathan Lee was justified in using deadly force against Suspect Myers, in self-defense **[EXHIBIT B]**.



SUMMARY:

On October 30, 2019, at approximately 0628 hours, [redacted] (Mrs. [redacted], called 9-1-1 **(9-1-1 call audio [Exhibit C])** and reported that her "[redacted] Suspect Myers, "Keeps saying he needs mental health, but he's not – he isn't doing anything about it." Mrs. [redacted] reported Suspect Myers was, "Disrupting the house." When asked what she wanted the police to do, Mrs. [redacted] stated, "I need them to come out and assess him because he needs mental health" **[Exhibit C]**.

> **IAB NOTE: According to Mrs. [redacted] before calling 9-1-1, she called a psychiatric emergency team (PET) to try and have Suspect Myers evaluated, but was told she needed to call 9-1-1 after she informed them that Suspect Myers was "agitated" [Exhibit A, page 28]**.

Lancaster Station desk personnel entered the information and dispatched the call, incident number, LAN19303-066 **[EXHIBIT D]**. The priority call was dispatched to Unit 112B/E, Deputy Ty Shelton, #[redacted] and Unit 111D/E, Deputy Miguel Gonzalez, #[redacted] Due to shift change, and a limited number of patrol units available at that time, Deputy Lee (111T1) assigned himself to assist with the call. Deputy Lee was with Deputy Gonzalez at another call for service when the call was dispatched over the radio. Deputy Lee informed the station dispatcher he would assist Deputy Gonzalez with this call for service on Kaylyn Street.

Deputies Lee and Gonzalez responded to the location, in separate, marked LASD patrol vehicles at approximately 0658 hours. Both deputies were wearing distinctive LASD uniforms and were equipped with Tasers.

Deputy Lee knocked on the front door, and Suspect Myers' adult [redacted] (Mr. [redacted]), answered and invited the deputies inside. As the deputies entered the home, Mrs. [redacted] and Suspect Myers were in the dining room and kitchen area. As Mrs. [redacted] walked over to the deputies, Suspect Myers casually walked through the kitchen and entered the garage without acknowledging or looking in the deputies' direction. Deputy Lee lost sight of Suspect Myers. Deputy Gonzalez spoke with Mrs. [redacted] as Deputy Lee walked toward the garage to contact Suspect Myers. Deputy Lee opened the interior garage door, from the kitchen into the garage, and saw Suspect Myers walking toward the open (vehicle entrance) garage door. Suspect Myers was approximately three to six feet away from Deputy Lee.

Deputy Lee stood in the threshold between the kitchen and the garage and asked Suspect Myers, "Hey man, what's going on today?" Suspect Myers turned around, bent down, and grabbed a yellow handle that was protruding from underneath a makeshift bed on the garage floor. Suspect Myers pulled the yellow handle out from under the bed. Deputy Lee immediately realized the yellow handle was an ax. Suspect Myers

grabbed the ax with both hands and said, "Want some of this motherfucker?" Suspect Myers took a step toward Deputy Lee and swung the ax at him. Deputy Lee backed up, and the ax came within inches of hitting him, as the ax struck the interior garage door. As Deputy Lee retreated into the kitchen, he dropped his flashlight on the floor and drew his Department-issued Smith & Wesson M&P 9mm pistol from his holster and pointed it at Suspect Myers. Deputy Lee continued backing up as Suspect Myers entered the kitchen with the ax in his hands. Deputy Lee initiated emergent radio traffic via the "Duplex Patch" **[EXHIBIT C]**.

IAB NOTE: The "Duplex Patch" is a Sheriff's Communication Center controlled two way frequency used in emergent and tactical situations. It allows personnel to communicate directly with other involved units.

Deputy Gonzalez also drew his Department-issued Smith & Wesson M&P 9mm pistol from his holster and pointed it at Suspect Myers, as he ordered the suspect to drop the ax. Deputy Lee continued to retreat backward toward the dining room table while ordering Suspect Myers to, "Put it down!" Deputy Lee advised, via his portable radio, he was detaining an armed suspect at gunpoint and needed back-up; although the suspect was not compliant.

Suspect Myers continued to hold the ax and walked toward the deputies. Suspect Myers advanced toward the deputies and stopped in the small area between the kitchen and dining room. A brief standoff ensued, and Suspect Myers yelled profanities at the deputies and stated, "You better shoot me motherfucker!" Deputy Lee radioed, "Suspect is unco-op. He's got an ax in his hands. Put it down! Put it down!" **[EXHIBIT C]**.

Deputy Gonzalez holstered his duty weapon, drew his Taser, and pointed the laser sight at Suspect Myers' chest while ordering the suspect to drop the ax.

Mrs. [redacted] and Mr. [redacted] yelled at the deputies, telling them not to shoot Suspect Myers. Mr. [redacted] yelled, "Tase him!" **[Exhibit A, page 37]**. Suspect Myers was approximately four to five feet away from Deputy Gonzalez when he began to raise the ax and advanced toward Deputy Gonzalez. Fearing for the life of his partner, Deputy Lee discharged his duty weapon five times. Three rounds struck Suspect Myers, causing him to fall to the floor. Deputy Lee radioed he was involved in a deputy involved shooting, the suspect was down, and all deputy personnel were accounted for.

Los Angeles County Fire Department Engine 117, under the command of Captain Quintana, responded to the location. Los Angeles County Fire Department Paramedic Harteni pronounced Suspect Myers deceased at 0714 hours.

INVOLVED EMPLOYEES AND WORK HISTORY:

Jonathan A. Lee, Deputy Sheriff, #[redacted]
North Patrol Division – Lancaster Station
Work History

Date of Employment:	March 2, 2017
Date Assigned to Lancaster Station:	September 30, 2018
Date Completed Patrol Training:	 [redacted]
Prior Shootings:	[redacted]
Prior Category 3 Force Incident(s):	[redacted]

Equipment Worn On Person

Duty Weapon
Oleoresin Capsicum (OC) Spray
Handcuffs
Portable Radio
Tourniquet
AR15 magazine
Taser

SUSPECT INFORMATION:

Ricardo Myers (Deceased)
Male, Hispanic, DOB: September 10, 1957, 5'9", 170 pounds

[redacted]
CII #[redacted] MAIN #[redacted] FBI #[redacted]

A copy of Suspect Myers' Consolidated Criminal History Reporting System (CCHRS) **[Miscellaneous Documents]**, revealed Suspect Myers had been arrested and booked for six felony counts and two misdemeanor counts, with three felony convictions. Suspect Myers was convicted of the following felonies: assault by means likely to produce great bodily harm; assault with a deadly weapon other than a firearm, and grand theft person.

WITNESSES:

Employee
Deputy Miguel Gonzalez

Civilian
None

INJURIES:

Suspect Ricardo Myers

On November 1, 2019, the County of Los Angeles Department of Medical Examiner-Coroner conducted an autopsy of Suspect Myers to determine the cause of death. Suspect Myers sustained three fatal gunshot wounds to the chest, abdomen, and lower jaw. All information related to Suspect Myers' injuries was documented within Los Angeles County Coroner Autopsy Report Case #2019-08131. For further, see autopsy report **[EXHIBIT A, pages 80-107]**.

Involved Employee

Not injured.

PHYSICAL EVIDENCE:

All physical evidence was located and collected by Los Angeles County Sheriff's Department Homicide Bureau Detectives Kevin Acebedo, #[redacted], and Robin Amador, #[redacted] The Homicide investigators were assisted by Forensic Identification Specialists Scott Purcell, #[redacted] Terri Beatty, #[redacted] and Laura Monzon, #[redacted], from the Los Angeles County Sheriff's Crime Lab. For descriptions of the evidence collected and location of collection, refer to the Homicide Bureau Investigation book **[EXHIBIT A, pages 39-45]**.

Five expended cartridge cases were recovered, at different distances, east of the west wall, and north of the south wall of the kitchen **[EXHIBIT A, pages 39-40]**.

The location was processed on October 30, 2019, after the issuance of a search warrant signed by the Honorable Judge Charles Chung of the Los Angeles County Superior Court **[EXHIBIT A, pages 46-50]**.

INVESTIGATOR'S OBSERVATIONS:

Approximately four hours transpired from the deputy involved shooting to IAB investigator's observations. The area where the shooting occurred was within the kitchen and dining room area of the single story residence located at [redacted] Kaylyn Street, Lancaster. The location is a single-family, four bedroom, two bathroom residence located on the north side of Kaylyn Street. The scene of the shooting was described in detail by Homicide investigators **[EXHIBIT A, pages 42-45]**.

Forensic Identification Specialists Purcell photographed the scene, including involved deputy personnel (See scene photos **[EXHIBIT E]**), sketched, and diagramed the scene **[EXHIBIT A, page 54]**. The scene appeared consistent with the narration of the incident and scene documentation.

WEAPON USED BY DEPUTY PERSONNEL:

Deputy Jonathan Lee

Deputy Lee fired five rounds of Department-issued 9mm ammunition from his Department issued Smith & Wesson M&P, semiautomatic pistol (serial number HTN[redacted]), with a "Surefire-X-300 Ultra" light attached. Five spent casings were recovered from within the kitchen of the residence. The firearm was examined by Flynn Lamas, #[redacted] Senior Criminalist of the Scientific Services Firearms Identification Section and found to be functional **[EXHIBIT A, pages 55-56]**.

Date last qualified:
Date last trained with weapon:


[redacted]

> **IAB NOTE: Deputy personnel are required to qualify every quarter. A copy of the Deputy Lee's complete training records, including range qualification scores and dates, were included as miscellaneous documents within the IAB casebook.**

WEAPON USED BY SUSPECT MYERS:

An ax with a yellow composite handle with "India" imprinted near the end of the handle's side, with an overall length of 34 inches **[EXHIBIT E]**.

PROPERTY DAMAGE:

During the crime scene investigation by Scientific Services Bureau, the kitchen area of the residence located at [redacted] Kaylyn Street, Lancaster was examined.

There was damage caused by a bullet that went through a white tile on the kitchen counter top, above the dishwasher. The damage was caused by a bullet that went through the right and left sides of a green plastic bow, which had a green plastic colander inside the bowl. There was a bullet strike mark to the upper left side of the porcelain covered metal kitchen sink **[EXHIBIT A, pages 41-45]**.

The kitchen door leading to the garage had slight damage which was observed on the date of the initial scene investigation, but was not photographed on the day of the incident. On November 5, 2019, handling Homicide Investigators Sergeant Austin and Detective Bailey returned to the location and photographed the damage, which was determined through statements, to be a strike mark from an ax to the outer side of the garage door **[EXHIBIT A, pages 37-38]**.

CRIMINAL INVESTIGATORS AND CHARGES FILED:

No charges were filed (Suspect Myers is deceased).

LIGHTING AND WEATHER CONDITIONS:

On October 30, 2019, the weather was clear and dry. The incident occurred within the residence at approximately 0704 hours, and was dimly lit.

RADIO TRANSMISSION:

The IAB Investigator reviewed all radio traffic **[EXHIBIT C]** associated with the incident. At approximately 0702 hours, Deputy Lee requested emergent radio traffic over Dispatch 15. Deputy Lee was immediately placed on the Duplex Patch, as he broadcasted they were detaining an armed suspect at gunpoint and requested units to respond to their location. At 0703 hours, Deputy Lee broadcast Suspect Myers was uncooperative and was holding an ax in his hands. Approximately 20 seconds later, Deputy Lee advised he was involved a deputy involved shooting at [redacted] Kaylyn Street. Deputy Lee also requested paramedics for Suspect Myers.

STATEMENTS:

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the DVD containing the digitally audio recorded interviews and the verbatim transcriptions. IAB investigators reviewed all reports authored by department employees and determined they were consistent with their IAB Shooting Review interviews.

INVOLVED EMPLOYEE STATEMENTS:

Deputy Jonathan Lee

Homicide Interview

On November 1, 2019, Homicide Detectives Bailey and Austin interviewed Deputy Jonathan Lee. The interview was audio-recorded and was summarized in the Homicide Bureau Investigation Book **[EXHIBIT A, pages 32-36]**.

IAB Interview

On August 10, 2021, Deputy Jonathan Lee was interviewed by IAB Sergeants Stacie Reedy and Adrian Guillen at the IAB office in the city of Commerce. Deputy Lee was represented by Steven Welch of Rains, Lucia, and Stern Law Office.

On October 30, 2019, Deputy Lee was assigned to Lancaster Station, as Unit 111T1, from [redacted] to [redacted] hours, on the early morning shift. Deputy Lee was approximately [redacted] and was working in tandem with Deputy Gonzalez, Unit 111D, during the incident. Deputy Lee told IAB investigators he had handled approximately 200 family disturbance calls for service during his tenure working patrol at Lancaster Station.

During the interview with IAB investigators, Deputy Lee reviewed the equipment he wore on his person at the time the deputy involved shooting occurred. This included his issued firearm and a departmentally owned and issued Taser.
Deputy Lee detailed the events that led up to the deputy involved shooting on October 30, 2019. Deputy Lee, along with Deputy Gonzalez, responded to a family disturbance call, incident number LAN19303-0066 **[EXHIBIT D]**, at [redacted] Kaylyn Street, Lancaster. The call indicated, "Male Hispanic, 50s, (Ricardo Myers), arguing with family, no weapons" **(Refer to Deputy Lee's Transcripts, page 20)**. Deputy Lee responded to the call, and he and Deputy Gonzalez coordinated the call over the Lancaster Local Tactical (L-Tac) Channel.

IAB NOTE: Stations are assigned to specific local tactical channels. L-Tac channels will be used for tactical coordination within a station area.

Each deputy indicated they had a less-lethal option available to them, if needed, specifically a Taser. Deputy Gonzalez was the lead vehicle, as Deputy Lee followed behind him in his patrol vehicle. Deputies Lee and Gonzalez arrived at the location at the same time. Both deputies parked east of the location, along the north curb line. Deputy Lee did not know of any previous calls for service involving a family disturbance at the address.

As Deputies Lee and Gonzalez walked toward the front door, Deputy Lee said the vehicle garage door was closed. Deputy Gonzalez knocked on the front door and a male Hispanic (Mr. [redacted]), approximately 25-30 years old, answered the door. Deputy Lee assumed it was not the disturbing party listed within the call, based on the gentleman's age. Mr. [redacted] let both deputies into the house.

As Deputy Gonzalez spoke with Mr. [redacted], the informant in the call, Mrs. [redacted], also walked over and began to talk with Deputy Gonzalez. As Mrs. [redacted] approached Deputy Gonzalez, he noticed she came from the kitchen/dining room area within the residence. During this time, Deputy Lee was able to see an older gentleman, a male Hispanic, about 50 to 60 years of age, walk from the dining room, through the kitchen, and toward another portion of the house. Deputy Lee believed, at that time, the older gentleman was the disturbing party listed within the call, based on his age. Deputy Gonzalez asked Deputy Lee to go speak with the suspect, as he spoke with Mrs. [redacted].

Deputy Lee indicated while at family disturbance incidents, in general, separating the parties involved is common practice. Therefore, as Deputy Gonzalez continued to speak with Mrs. [redacted], Deputy Lee chose to follow the same path he saw the suspect take, to speak with the suspect. As Deputy Lee walked through the hallway into the kitchen, he heard the sound of a heavy door close. Deputy Lee equated this sound as if a heavy fire door closed, and because of this, Deputy Lee knew the suspect walked through the kitchen and into the garage. Deputy Lee said the suspect entered the garage a second or two before he did.

Deputy Lee described the kitchen area to be dark, and to provide light, he removed his flashlight from his pants pocket, with his left hand. As Deputy Lee approached the interior garage door, the doorknob was on the right side of the door, and the door opened toward him. Deputy Lee transitioned his flashlight from his left hand to his right hand and pulled the door open with his left hand. Once Deputy Lee opened the interior garage door, he used his flashlight to illuminate the immediate area for any possible threats.

Deputy Lee noticed it was bright inside the garage and soon realized the vehicle garage door was now open. Deputy Lee could not recall if he took a step into the garage or remained near the threshold of the door. However, as Deputy Lee continued to push the interior garage door open, Deputy Lee felt the door push back against his left arm as the door began to close. Deputy Lee wanted to leave the interior garage door ajar so he could hear if Deputy Gonzalez needed Deputy Lee's help.

As Deputy Lee faced the vehicle door to the garage, from within the threshold of the door to the kitchen, the suspect was standing approximately three to six feet away inside the garage. The suspect was standing near a make-shift bed, with his body facing away from Deputy Lee. Deputy Lee noticed a "long yellow pole" sticking out from underneath the bedding and believed the pole to be the handle of a "wiffle ball bat." As the suspect walked away from the garage area, to distance himself from the situation, Deputy Lee asked, "Hey man, what's going on today?" **(Refer to Deputy Lee's Transcripts, page 27)**. The suspect quickly turned around and looked at Deputy Lee. Deputy Lee said the suspect looked him up and down, bent down, and grabbed the yellow pole. It wasn't until the suspect lifted the pole that Deputy Lee, "saw the head of an ax in the middle of the air...It was almost in slow motion" **(Refer to Deputy Lee's Transcripts, page 27)**. Deputy Lee was shocked, "I just remember repeating the same thing in my head, just over and over, Oh fuck, oh fuck, oh fuck, oh fuck...Because I could only see this big ax and I can kind of see...I can recognize what's happening but it's taking a second for my brain to send the signal to my body to get moving and get out of the way" **(Refer to Deputy Lee's Transcripts, page 14)**.

The suspect turned around and looked at Deputy Lee. As Deputy Lee watched the suspect grip the bottom of the ax, the suspect responded, "You want some of this, motherfucker?" **(Refer to Deputy Lee's Transcripts, page 14)**. Deputy Lee saw a look of anger on the suspect, which Deputy Lee had never seen before, as the suspect walked toward Deputy Lee.

Deputy Lee said the suspect, with as much force as he could muster, swung the ax toward him. Deputy Lee felt the wind from the ax as it passed him and slammed into the interior garage door. As the suspect hit the door with the ax, the suspect lost his balance and fell over into the doorway, but the suspect maintained his grip on the ax with one of his hands. Deputy Lee, fearing his life was in danger, attempted to withdraw his gun from the holster as he backed into the kitchen. Deputy Lee had difficulty removing his weapon from his holster and attributed it to the angle his body was in at

that time. Deputy Lee dropped his flashlight, retrieved his firearm, and attempted to detain the suspect at gunpoint as he continued to retreat into the kitchen.

Deputy Lee said, "I've never had something like this happen to me before. He had almost hit me with it, and if that thing had hit me, I probably wouldn't be walking right now. So, I...yeah, I was terrified" **(Refer to Deputy Lee's Transcripts, page 15)**.

While in the kitchen, Deputy Lee initiated emergent radio traffic via the "Duplex Patch." Deputy Lee broadcast, "10-33, give me the patch! Detaining a 417 armed suspect at gunpoint, [redacted] Kaylyn Street, give me units code!" **(Refer to Deputy Lee's Transcripts, page 15)**.

IAB NOTE: "10-33" is a Los Angeles County Sheriff's Department Radio code for, request for emergency radio clearance. "417" is a Department radio code for, person with a gun.

Deputy Lee attempted to detain the suspect at gunpoint and ordered the suspect to drop the ax; however, the suspect refused to comply. The suspect continued to advance toward Deputy Lee as he retreated further into the kitchen area. Deputy Lee could see, to his right side, Deputy Gonzalez standing on the opposite side of the dining room table with his firearm drawn. Both deputies continued to give multiple commands to the suspect to drop the ax. The suspect did not comply and walked toward the deputies.

Deputy Lee said the suspect was walked closer and closer toward the deputies, which caused Deputies Lee and Gonzalez to put as much distance between themselves and the suspect. As Deputy Gonzalez continued along the opposite side of the table near the west side exterior wall of the house, Deputy Lee continued walking parallel with Deputy Gonzalez. They both moved further into the dining room area. The suspect crossed from the kitchen into the dining room, as he stood at the head of the dining room table. At some point, Deputy Lee walked into a hard object and felt as if a chair pushed up against him, preventing him from retreating any further. Afraid to take his eyes off the suspect, Deputy Lee stopped walking backward. Deputy Lee noticed Deputy Gonzalez also stopped walking backward, due to what he thought was a wall blocking the path of Deputy Gonzalez.

Deputy Lee attempted to stay even with Deputy Gonzalez so he would not create a possible crossfire situation if the suspect decided to swing the ax at Deputy Gonzalez. Because the deputies were in a confined space, and the suspect was still holding the ax, Deputy Lee didn't want to take his eyes off the suspect. Deputy Lee said if the suspect were to close the distance between himself and Deputy Gonzalez, the suspect would have been within striking distance. Deputy Lee continued, "If the suspect hit me with the ax, it would kill me. With as hard as he was swinging that ax the first time, I'm lucky he didn't hit me, and if he got me again, that's it, I'm gonna die" **(Refer to Deputy Lee's Transcripts, page 17)**.

As the suspect stood near the head of the dining room table, Deputy Lee said it looked as if the suspect took half a step in his direction and then a half step toward Deputy Gonzalez. After the suspect took the half steps in deputies' direction, the suspect gripped the ax and took another half step. It appeared as if the suspect was going to swing the ax at Deputy Lee. Fearing for his life, Deputy Lee pulled the trigger on his firearm, but he didn't feel anything, as the gun did not fire. He was unsure why his gun did not fire. At the same time, the suspect pulled the ax back.

Deputy Lee heard a distinctive sound coming from Deputy Gonzalez. He described the sound to be similar to that of a holster being unsnapped. Deputy Lee assumed since Deputy Gonzalez saw him (Deputy Lee) with a lethal option, Deputy Gonzalez holstered his firearm and drew his Taser from its holster. Deputy Lee said the suspect had a different look on his face. Deputy Lee said it appeared the suspect was trying to choose which of the deputies he wanted to hit with the ax. The suspect once again took a step in Deputy Lee's direction to gauge Deputy Lee's reaction. The suspect also took a step in Deputy Gonzalez's direction to see his response. Deputy Lee said, "I was terrified. To this day, I've never been that scared in my entire life. I just hoped that I was going to make it out of the house alive" **(Refer to Deputy Lee's Transcripts, page 36)**.

As the suspect moved to Deputy Gonzalez' side of the dining room table, Deputy Lee knew the suspect had chosen to hit Deputy Gonzalez with the ax. The suspect raised the ax over his head and Deputy Lee believed the suspect was going to kill Deputy Gonzalez with the ax. Deputy Lee fired his pistol three times at the suspect. Deputy Lee was unsure if his rounds struck the suspect, because the suspect had an angry look on his face and the ax was still above the suspect's head. Deputy Lee fired two additional times and the suspect fell to the ground.

Deputy Lee estimated the distance, between himself and the suspect at the time of the shooting was approximately four to six feet. Deputy Gonzalez was approximately three feet to Deputy Lee's right side and out of the line of fire. Deputy Lee's backdrop was the unoccupied garage. Deputy Lee initiated a radio broadcast advising a deputy involved shooting occurred and he requested paramedics to respond to their location.

Deputies Lee and Gonzalez holstered their firearms and approached the suspect. Deputy Gonzalez moved the ax away from the suspect, while Deputy Lee placed a handcuff on the suspect's left wrist. As Deputy Lee handcuffed the suspect's left wrist, Deputy Lee became emotional and was excused from the scene by Deputy Gonzalez. Deputy Gonzalez completed handcuffing the suspect.

Deputy Lee reported his use of force to Sergeant Weathers, and he was transported to Lancaster Station to await the arrival of Homicide investigators.

Deputy Lee estimated the time from when the suspect exited the garage with the ax in hand, until the shooting occurred, was approximately 15 to 20 seconds.

WITNESS STATEMENTS:

Deputy Miguel Gonzalez

Homicide Interview

On October 30, 2019, Homicide Detectives Bailey and Austin interviewed Deputy Miguel Gonzalez. The interview was audio recorded and was summarized in the Homicide Bureau Investigation Book **[EXHIBIT A, pages 24-26]**.

IAB Interview

On August 24, 2021, Deputy Miguel Gonzalez was interviewed by IAB Sergeant Stacie Reedy at the IAB office in the city of Commerce. Deputy Gonzalez was represented by Russel Perry of Rains, Lucia, and Stern Law Office.

On October 30, 2019, Deputy Gonzalez was assigned to Lancaster Station and worked an [redacted] hour PM shift prior to working Unit 111D from [redacted] to [redacted] hours, on early morning shift. Deputy Gonzalez was approximately [redacted] months [redacted] and was working in tandem with Deputy Lee.

During the interview with the IAB investigator, Deputy Gonzalez reviewed the equipment he wore on his person at the time the deputy involved shooting occurred. This included his issued firearm and a departmentally owned and issued Taser.

Deputy Gonzalez detailed the events that led up to the deputy involved shooting on October 30, 2019. Deputy Gonzalez said he, along with Deputy Lee, responded to a family disturbance call, incident number LAN19303-0066 **[EXHIBIT D]** at [redacted] Kaylyn Street, in the city of Lancaster. The call stated a husband was yelling at the informant and her kids, and there were no weapons. Deputy Gonzalez said while enroute to the location, he and Deputy Lee coordinated their response, over L-Tac, and indicated to one another Tasers would be available as a less-lethal option if required. By the time the deputies arrived at the residence, the call had been on hold for approximately one hour due to previous priority calls for service.

Both deputies drove to the location in tandem and arrived around the same time. As they approached the front door, Deputy Gonzalez did not hear any yelling or commotion. Deputy Gonzalez rang the doorbell, and Deputy Lee knocked on the front door. A young male answered the door, later identified as Mr. [redacted], and allowed the deputies into the house. At the time, Deputy Gonzalez didn't know if the male who answered the door was the disturbing party or not. Upon entry into the house, a woman (Mrs. [redacted]) approached the front door and contacted Deputy Gonzalez. Knowing the parties involved should be separated, Deputy Gonzalez spoke with Mrs. [redacted] in the kitchen while Deputy Lee spoke with Mr. [redacted] near the front door.

In speaking with Mrs. [redacted], she told Deputy Gonzalez the [redacted] (suspect) of her [redacted] had been yelling at her and her children. Deputy Gonzalez spoke with Mrs. [redacted] as his back was to the door leading from the kitchen into the garage. As Deputy Gonzalez spoke with Mrs. [redacted], Deputy Lee walked past him toward the garage door. Deputy Lee did not indicate why he was walking toward the garage. Deputy Gonzalez described what he heard as a "loud object striking another object" coming from the garage **(Refer to Deputy Gonzalez's Transcripts, page 15)**. As he looked toward the garage, Deputy Gonzalez saw Deputy Lee backing up from the garage into the kitchen with his gun drawn at a male, later identified as Suspect Myers. Deputy Gonzalez saw the suspect holding what he described as a "fireman ax" with a metal blade at the end. As Deputy Lee continued to back up, Deputy Gonzalez drew his firearm, and "in order not to muzzle Lee, I walked to the right side of the dining room table" **(Refer to Deputy Gonzalez's Transcripts, page 17)**.

IAB NOTE: When Deputy Gonzalez said he walked to the right side of the dining room table to not "muzzle" Deputy Lee, Deputy Gonzalez was referring to avoiding placing himself or Deputy Lee in a potential crossfire situation with the muzzle of his firearm.

Deputies Gonzalez and Lee ordered the suspect to drop the ax, while Deputy Lee initiated emergent radio traffic and indicated they were detaining the suspect at gunpoint. Deputy Gonzalez described the suspect as visibly upset, as the suspect yelled profanities at the deputies.

Deputy Gonzalez said the suspect asked if the deputies were there to kill him. Deputy Gonzalez told the suspect they weren't going to kill him, but he needed to drop the ax. The suspect didn't acknowledge the deputies' orders, he continued to yell profanities, and he didn't drop the ax. Deputies Lee and Gonzalez continued to back up on either side of the dining room table, as the suspect continued to take steps toward them, as the suspect focused on Deputy Lee. Deputy Gonzalez said since Deputy Lee had his firearm pointed at the suspect, Deputy Gonzalez holstered his weapon, drew his Taser, and pointed it at the suspect. Deputy Gonzalez had the laser sight of the Taser on the suspect's chest and continued to order the suspect to drop the ax. Deputy Gonzalez transitioned to his Taser in hopes the suspect would realize they were there to help him and not to kill him. Deputy Gonzalez was trying to deescalate the situation.

IAB NOTE: Deputy Gonzalez did not know the suspect had already attempted to hit Deputy Lee with the ax during this time. Deputy Gonzalez was made aware of this information after his interview with Homicide detectives.

Once Deputy Gonzalez transitioned to the Taser, it appeared the suspect's focus shifted from Deputy Lee to himself. As the suspect slowly advanced toward Deputy Gonzalez' side of the table, the suspect began to make "small chopping motions" with the ax **(Refer to Deputy Gonzalez's Transcripts, page 9)**. Deputy Gonzalez continued to

back up, until he no longer had an avenue of escape. Deputy Gonzalez described the space as really tight, with a wall to his right and the dining room table to his left. Deputy Gonzalez had limited options as the suspect advanced toward him. The suspect continued to take steps toward Deputy Gonzalez and was now within approximately five feet of Deputy Gonzalez. Based on the suspect's actions, Deputy Gonzalez was in fear for his life. He believed the suspect was either going to kill him or hurt him with the ax.

Deputy Gonzalez heard Deputy Lee discharge his firearm three times, striking the suspect. The suspect dropped the ax as he was hit by gunfire. As the suspect fell to the ground, Deputy Gonzalez dropped his Taser and drew his firearm. Deputy Lee broadcast over the radio a deputy involved shooting occurred and all deputy personnel were accounted for. Deputy Lee also requested fire personnel, along with additional units, to respond to their location.

Both deputies holstered their weapons and approached the suspect to handcuff him. Deputy Gonzalez noticed Deputy Lee became emotional and he excused Deputy Lee from the scene. Deputy Lee exited the residence, where he was met by assisting units.

Deputy Gonzalez was asked if any family members were around the kitchen when the shooting occurred. Deputy Gonzalez was unaware of their location because of his focus on the suspect.

*Homicide Detectives interviewed the following individuals: [redacted], [redacted], [redacted], [redacted] and [redacted] These individuals were within the residence during the time of the incident, but did not witness the shooting. All interviews were audio-recorded and summarized in the Homicide Bureau Investigation Book **[EXHIBIT A, pages 27-32, 36-37]**; Homicide Bureau interview audio files are also available **[EXHIBIT F]**.*